

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

As a preliminary matter, Applicant notes the Office Action's approval of the drawings filed on March 24, 2004 and consideration of the Information Disclosure Statement filed on January 26, 2004.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,717,705 to Shikakura et al. (hereinafter "Shikakura"). Claims 3, 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shikakura in view of U.S. Patent No. 6,377,580 to Matsumoto et al. (hereinafter "Matsumoto").

By this amendment, claim 1 has been amended to further define the subject matter Applicant regards as the invention as discussed in greater detail below. Claims 2-6 remain unchanged in the application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-6 remain pending in this application for consideration.

Applicant respectfully submits that the claims are patentably distinguishable over the cited references as required by §§ 102 and 103. Applicant further submits that none of the cited references, whether considered alone or in combination, discloses Applicant's claimed image processing apparatus including *a second storage section for storing the separated encoded image data and a third storage section which stores the key information* as now required by amended independent claim 1. By contrast, the cited references fail to disclose, teach or suggest these claimed features. Accordingly, independent claim 1 and claims dependent therefrom are patentably distinguishable over the cited references. This distinction will be further described below.

**THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES**

**Rejection Under 35 U.S.C. § 102**

Claims 1, 2 and 5 stand rejected as being anticipated by Shikakura. In response, Applicant traverses the rejection and respectfully submits that the claims are allowable at least for the reasons that follow.

Applicant relies on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Shikakura does not describe each and every element of any of the claims.

Embodiments of the present invention relate to an image processing apparatus. The image processing apparatus includes *inter alia*, a compression section, first, second and third storage sections, a code separation section and a key information preparation section. The compression processing section compresses and encodes image data to form encoded image data which is stored in the first storage section. The code separation section separates the image data encoded by the compression processing section into at least two separated encoded image data in accordance with a separation scheme set. The key information preparation section generates, as key information, information indicating separate storage regions for the separated encoded image data and information indicating the separation scheme set.

According to one embodiment of the present invention as recited in amended independent claim 1, the ***second storage section includes separate storage regions for storing the separated encoded image data*** and the ***third storage section stores the key information***. With this arrangement of storing key information separately from the separated encoded image data, the image data stored in the image processing apparatus is prevented from being restored by an unauthorized third party (*see*, page 1, line 21 through page 2, line

8). One exemplary embodiment of the present invention is illustrated in FIG. 1, which shows page memory 6 that stores encoded data from the compression processing section 4 (the first storage section), banks B0 and B1 of the hard disk drive section 8 that store components of the encoded data separated by the code separation section 7a (the second storage section), and random access memory in the system control section 5 that stores the key information (the third storage section) (page 7, lines 23-27, page 8, lines 13-20 and page 9, lines 7-9). Applicant respectfully submits that the cited reference fails to disclose these claimed features.

Shikakura discloses an image processing apparatus having a receiving device, an error detecting device, a correcting device and a decoding device (Abstract, lines 1-8). The decoding device has the function of expanding compressed image data (column 1, lines 10-12). Shikakura's image processing apparatus satisfactorily controls the amount of compressed data and prevents deterioration of image quality even if an error occurs on a transmission path (Abstract, lines 8-12). Shikakura discloses that the transmission path 403 can be in the form of a storage medium (column 5, lines 26-36) and discloses several frame memories (35, 226, 228, 233, 235, etc.) that store processed image data.

With respect to amended independent claim 1, Applicant respectfully submits that the subject matter claimed therein patentably distinguishes over the reference. Specifically, amended independent claim 1 requires a *second storage section including separate storage regions for storing the separated encoded image data* and a *third storage section that stores the key information*. As stated above, even though Shikakura discloses several frame memories and a transmission path that can be in the form of a storage medium, Shikakura fails to disclose or even remotely suggest, separate storage sections for the key information and the separated encoded image data as now required by amended independent claim 1. In view of the fact that the Shikakura reference does not disclose each of the claimed features indicated above, this reference cannot be said to anticipate nor can it be said to render obvious the invention which is the subject matter of independent claim 1. Thus, independent claim 1 is allowable.

Since independent claim 1 is allowable, claims dependent therefrom, namely claims 2 and 5 are also allowable by virtue of their direct or indirect dependence from allowable

independent claim 1 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited reference are not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 3, 4 and 6 stand rejected as being unpatentable over the combination of Shikakura and Matsumoto. Applicant respectfully submits that the Matsumoto reference fails to cure the deficiencies of Shikakura and was not cited for that purpose. Thus, without conceding to the appropriateness of any of these rejections, Applicant respectfully submits that claims 3, 4 and 6 are allowable by virtue of their direct or indirect dependence from allowable independent claim 1 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited references are not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

### **CONCLUSION**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/14/2007

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

By Matthew J. Kremer (Reg. No. 58,671)  
MATTHEW J. KREMER  
for Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888